

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 545 – Smuggling;
 18 U.S.C. § 2320(a) – Trafficking in Counterfeit Goods;
 18 U.S.C. §§ 982(a)(2)(B) and 2323(b) – Criminal Forfeiture.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

SEP 20 2018

LIXIONG CHEN a/k/a JOHN CHEN

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DISTRICT COURT NUMBER

CR18 0450

JD**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

HOMELAND SECURITY INVESTIGATIONS

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) MICHELLE J. KANE

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Attachment

Statutory Maximum Penalties

18 U.S.C. § 545: 20 years of imprisonment, \$250,000 fine, 3 years of supervised release, \$100 special assessment, forfeiture, and restitution.

18 U.S.C. § 2320: 10 years of imprisonment, \$2,000,000 fine, 3 years of supervised release, \$100 special assessment, forfeiture, and restitution.

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED

SEP 20 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

v.

LIXIONG CHEN
a/k/a John Chen,

CR 18 0450

JD

DEFENDANT.

INDICTMENT

18 U.S.C. § 545 – Smuggling; 18 U.S.C. § 2320(a) – Trafficking in Counterfeit Goods; 18 U.S.C. §§ 982(a)(2)(B) and 2323(b) – Criminal Forfeiture

A true bill.

Hella Gowan

Foreman

Hege Guban

Filed in open court this 20 day of SEPT 2018

Ivy L. Garcia

Clerk

NO BAIL WARRANT

Bail, \$

Kandis Westhime 9/20/18

ALEX G. TSE (CABN 152348)
United States Attorney

FILED

SEP 20 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIXIONG CHEN

a/k/a John Chen,

Defendant.

CASE NO. CR 18 0450

JD

VIOLATIONS: 18 U.S.C. § 545 – Smuggling; 18
U.S.C. § 2320(a) – Trafficking in Counterfeit Goods;
18 U.S.C. §§ 982(a)(2)(B) and 2323(b) – Criminal
Forfeiture.

OAKLAND VENUE

UNDER SEAL

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to the Indictment:

1. LIXIONG CHEN a/k/a JOHN CHEN (“CHEN”) was an individual conducting business
in the Northern District of California.

2. CHEN operated businesses known as CBK Auto, CBK Holdings, Inc., CBK Wholesale,
CBK USA, and Silicon Electronics, for which he used, among other locations, warehouse facilities and a
house in Newark, California. CHEN also used web sites, including www.bestcompu.com and
www.cbkelectronics.com, in connection with his businesses. CHEN also used the eBay and Amazon

INDICTMENT

Document No.

District Court
Criminal Case Processing

1 sales platforms.

2 3. Through his businesses, CHEN imported and sold counterfeit goods, including
3 electronics and computer accessories.

4 COUNTS ONE THROUGH FOUR: (18 U.S.C. § 545 – Smuggling Goods into the United States)

5 4. The factual allegations at Paragraphs One through Three are realleged as if set forth fully
6 herein.

7 5. On or about the dates set forth below, in the Northern District of California and
8 elsewhere, the defendant,

9
10 LIXIONG CHEN
a/k/a JOHN CHEN,

11 did fraudulently and knowingly import and bring into the United States merchandise contrary to law,
12 that is, goods including electronic devices and computer accessories bearing various counterfeit marks,
13 as defined in 18 U.S.C. § 2320(f), in violation of 18 U.S.C. § 2320(a)(1).

Count	Date	Counterfeit Goods	Destination
One	October 17, 2013	Items bearing counterfeit Nokia, Universal Serial Bus (“USB”), Phillips, High Definition Multimedia Interface (“HDMI”), Underwriters Laboratory (“UL”), and Sanrio marks.	CBK Holding, 37390 Cedar Blvd., Suite C, Newark, CA
Two	November 21, 2013	Items bearing counterfeit Motorola, Apple, and UL marks.	Silicon Electronics, 5648 Forbes Dr., Newark, CA
Three	December 9, 2013	Items bearing counterfeit Motorola and Nokia marks.	Silicon Electronics, 5648 Forbes Dr., Newark, CA
Four	May 21, 2014	Items bearing counterfeit UL marks.	CBK Holding, Inc., 37390 Cedar Blvd., Suite C, Newark, CA

24
25 All in violation of Title 18, United States Code, Section 545.

26 COUNTS FIVE THROUGH SEVEN: (18 U.S.C. § 2320(a) – Trafficking in Counterfeit Goods)

27 6. The factual allegations at Paragraphs One through Three are realleged as if set forth fully
28 herein.

7. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant,

LIXIONG CHEN
a/k/a JOHN CHEN,

did intentionally traffic and attempt to traffic in the goods identified below, and knowingly used counterfeit marks on and in connection with such goods.

Count	Date	Counterfeit Goods	Shipped By
Five	January 2, 2014	Power adapter bearing counterfeit UL mark	Silicon Electronic, PO Box 14492, Fremont, CA 94539
Six	May 4, 2015	Power adapters bearing counterfeit Hewlett-Packard marks	CBK USA, 37390 Cedar Blvd., Suite C, Newark, CA 94560
Seven	June 26, 2017	Mobile phone screen bearing counterfeit Samsung mark	Silicon Electronic, 37390 Cedar Blvd., Suite B, Newark, CA 94560

All in violation of Title 18, United States Code, Section 2320(a)(1).

CRIMINAL FORFEITURE ALLEGATIONS

8. The allegations contained in Counts One through Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 545 and Title 28, United States Code, Section 2461(c).

9. Upon conviction of any of the offenses alleged in Counts One through Four of this Indictment, defendant,

LIXIONG CHEN
a/k/a JOHN CHEN,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the smuggling offenses, and, pursuant to 18 U.S.C. § 545 and 28 U.S.C. § 2461(c), any merchandise introduced into the United States

1 in violation of 18 U.S.C. § 545, or the value thereof.

2 10. The factual allegations of Counts Five through Seven are realleged as if set forth fully
3 herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code,
4 Section 2323(b).

5 11. As a result of his conviction on one or more of the felony offenses set forth in Counts
6 Five through Seven of this Indictment, defendant,

7
8 LIXIONG CHEN
a/k/a JOHN CHEN,

9 shall forfeit the following property, real or personal, to the United States:

10 (1) Any article, the making or trafficking of which, is prohibited under Title 18, United
11 States Code, Section 2320;

12 (2) Any property used, or intended to be used, in any manner or part to commit or facilitate a
13 violation of Title 18, United States Code, Section 2320;

14 (3) Any property constituting or derived from any proceeds obtained directly or indirectly as
15 a result of a violation of Title 18, United States Code, Section 2320.

16 12. In the event that the property subject to forfeiture as a result of any act or omission of the
17 defendant:

18 a. cannot be located upon exercise of due diligence;

19 b. has been placed beyond the jurisdiction of the Court;

20 c. has been transferred or sold to, or deposited with a third party;

21 d. has been substantially diminished in value; or

22 e. has been commingled with other property which cannot be divided without
23 difficulty;

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25 ///

26 ///

27 ///

28 ///

1 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title
2 21, United States Code, Section 853(p), all pursuant to Title 18, United States Code, Section 2323(b).

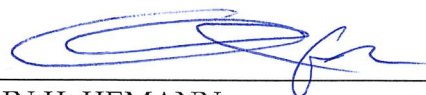
3
4 Dated:

9/20/18

A TRUE BILL.

5
6 
7 FOREPERSON

8 ALEX G. TSE
9 United States Attorney

10 
11 JOHN H. HEMANN
12 Deputy Chief, Criminal Division

13 (Approved as to form:


14 AUSA M. KANE